

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a Delaware Corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; THE SQUARE, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1-10,

Defendants.

Case No. 4:23-cv-1611 (SEP)

DEFENDANTS' MOTION FOR LEAVE TO FILE OVERLENGTH BRIEF

Defendants Home Box Office, Inc. (“HBO,” incorrectly sued as “HBO Home Entertainment Corp.”); The Othrs, LLC; The Othrs Licensing Corp.; The Square, LLC; Jehane Noujaim (incorrectly sued as “Jehane Noujaime”); and Karim Amir (collectively, “Defendants”), by and through undersigned counsel, move pursuant to E.D. Mo. Loc. R. 4.01(B) for leave to file an overlength memorandum in support of their forthcoming motion to dismiss. In support of their motion, Defendants respectfully state:

1. Plaintiff’s Complaint alleges two counts against Defendants under Missouri and New York law. (ECF No. 1-1 at 1-14, ¶¶ 53-64.)
2. Plaintiff attached to his Complaint a “Consent and Release” that is relevant to the underlying claims in this case. (*Id.* at 16-17.)
3. The Consent and Release contains a venue selection provision. (*Id.*)

4. Defendants intend to file a joint, omnibus motion to dismiss that raises alternative jurisdictional, venue-based, and merits arguments.
5. In order to explain adequately the grounds for the alternative bases for relief presented in this motion, Defendants anticipate that the memorandum in support of their motion will need to exceed the fifteen (15) pages permitted by this Court's local rules.
6. Defendants submit that they will not need more than twenty-five (25) pages, exclusive of those portions of a memorandum not normally counted toward the page limit under the local rules, to present their arguments adequately.

WHEREFORE, Defendants pray that this Court enter an order granting them leave to file a memorandum in support of a motion to dismiss of up to twenty-five (25) pages because good cause has been shown therefor, and for such other and further relief that the Court deems just and proper.

Respectfully submitted,

Dated: December 19, 2023

By: /s/Joseph E. Martineau

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The Square, LLC, Karim Amer, and Jehane
Noujaim.*

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December, 2023, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all counsel of record via the Court's electronic filing system. I further certify that a true and accurate copy of the foregoing was delivered via electronic mail to the following party, who has consented in writing to service by such means pursuant to Fed. R. Civ. P. 5(b)(2)(F):

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Plaintiff, pro se

/s/ Joseph E. Martineau